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29 IN THE UNITED STATES DISTRICT COURT

30 FOR THE DISTRICT OF ARIZONA

31 Kelvin D. Daniel, et al

32 Plaintiffs,

33 vs.

34 Swift Transportation Co.,

35 Defendant

)  
) Case No.: 2:11-CV-01548-ROS  
)  
) NOTICE OF SERVICE OF  
) DISCOVERY ANSWERS  
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)

**CERTIFICATE OF SERVICE**

This will certify that a copy of the foregoing Notice of Service of Discovery Answers was filed electronically this 14<sup>th</sup> day of September, 2012. Notice of this filing will be sent to all counsel of record by operation of the Court's electronic filing system.

/s/ Matthew A. Dooley  
Counsel for Plaintiffs

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20 IN THE UNITED STATES DISTRICT COURT  
21 FOR THE DISTRICT OF ARIZONA

22 KELVIN D. DANIEL, et al  
23 Plaintiffs,  
24 v.  
25 SWIFT TRANSPORTATION  
26 CORPORATION,  
27 Defendant.

Case No. 2:11-cv-01548-PHX-ROS

PLAINTIFF TANNA HODGES'  
ANSWERS TO DEFENDANT SWIFT  
TRANSPORTATION CO. OF  
ARIZONA, LLC'S SECOND SET OF  
INTERROGATORIES

Assigned to: Hon. Roslyn O. Silver

## GENERAL OBJECTIONS

1. Plaintiff, Tanna Hodges ("Hodges") objects to Swift's "General Instructions" and "Definitions" to the extent they purport to impose discovery obligations that differ from or exceed the discovery obligations imposed by the Federal Rules of Civil Procedure.

2. Hodges objects to the Interrogatories to the extent that they seek information protected by the attorney-client privilege, the work-product privilege, or any other privilege, protection, or immunity applicable under Arizona and/or federal law.

3. Hodges objects to the Interrogatories to the extent that they are overly broad, unduly burdensome, oppressive, and/or seek information that is not relevant to the issues in this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

4. These General Objections are made, to the extent applicable, in response to each of the Interrogatories as if the objections were fully set forth therein.

5. Hodges responds to each of the Interrogatories based upon information and documentation available as of the date hereof and reserve the right to supplement and amend her responses.

\* \* \* \* \*

## INTERROGATORIES

**Interrogatory No. 1:** Explain whether you were a class member in the litigation against HireRight Solutions, Inc. in the United States District Court for the Eastern District of Virginia, Case No. 3:09-cv-625, and, if you were, when you received notice of the suit, what class you were in, and what remedy, if any, you received as a class member in the settlement of that lawsuit.

### Response:

**Objection.** Hodges objects to this Interrogatory as it seeks information irrelevant to the subject matter in this case and the information sought is not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding this objection and without waiving same, Hodges was a class member in the litigation mentioned in Interrogatory No. 1. Hodges does not recall when she received notice of the suit. Hodges was part of the 1681K – Legacy Procedures Class and received compensation in the amount of \$65.18.

**Interrogatory No. 2:** Explain whether you currently or have ever previously been a member of any other class action cases other than your current litigation against Swift and, if so, please identify the litigation and any remedy, if any, you received as a class member in that lawsuit.

### Response:

**Objection.** Hodges objects to this Interrogatory as it seeks information irrelevant to the subject matter in this case and the information sought is not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding this objection and without waiving same, Hodges has not been a member of any other class action.

**Interrogatory No. 3:** Explain how you first came into contact with your attorneys regarding this suit, including the date, who made initial contact, the means of contact (through a web site, mailing, telephone call, etc.), whether you were solicited to become a class representative, whether you have been promised anything in exchange for being a class representative (such as an incentive award) and any amount promised.

### Response:

1 Objection. Hedges objects to this Interrogatory as it seeks information irrelevant to the  
2 subject matter in this case and the information sought is not reasonably calculated to lead to  
3 the discovery of admissible evidence. Further objecting, this interrogatory seeks  
4 information that is protected by the attorney-client privilege and/or work product doctrine.

5 **Interrogatory No. 4:** For the web site TruckersHaveRights.com, identify any class  
6 representative or putative class member in this Action or any other Swift employee or job applicant  
7 that submitted their information to Plaintiffs' counsel through that web site.

8 **Response:**

9 **Hedges objects to this Interrogatory as it seeks information from a third-party and the**  
10 **information sought is not reasonably calculated to lead to the discovery of admissible**  
11 **evidence.**

12 AS TO ALL OBJECTIONS:

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14  
15 Matthew A. Dooley

16  
17 Respectfully Submitted,

18 STUMPHAUZER, O'TOOLE, MCLAUGHLIN,  
19 McGlamery & Loughman Co., LPA

20 By:

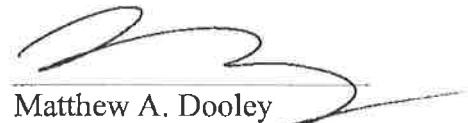
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*Counsel for Plaintiffs*

1  
2 **CERTIFICATE OF SERVICE**

3 I hereby certify that on September 14, 2012, the original and one copy of the  
4 foregoing was served via U.S. Mail, Postage Pre-Paid to the following counsel of record:

5 John F. Lomax, Jr., Esq.  
6 Brian J. Foster, Esq.  
7 Joseph A. Kroeger, Esq.  
8 SNELL & WILMER L.L.P  
9 One Arizona Center  
400 E. Van Buren  
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*Counsel for Defendant*

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12 Matthew A. Dooley  
*Counsel for Plaintiffs*

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VERIFICATION

STATE OF Texas )  
) SS:  
COUNTY OF Bexar )

Tanna Hodges, being duly sworn according to law, deposes and states that the answers to the foregoing 2<sup>nd</sup> Set of Interrogatories are true to the best of her knowledge and belief.

  
Tanna Hodges

SWORN TO BEFORE ME, a Notary Public, and subscribed in my presence this

13<sup>th</sup> day of September, 2012.

  
Notary Public

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19 IN THE UNITED STATES DISTRICT COURT  
20 FOR THE DISTRICT OF ARIZONA

21 KELVIN D. DANIEL, et al  
22 Plaintiffs,  
23 v.  
24 SWIFT TRANSPORTATION  
25 CORPORATION,  
26 Defendant.

Case No. 2:11-cv-01548-PHX-ROS

**PLAINTIFF TANNA HODGES'**  
**RESPONSES TO DEFENDANT**  
**SWIFT TRANSPORTATION CO. OF**  
**ARIZONA, LLC'S SECOND SET OF**  
**REQUEST FOR PRODUCTION**

Assigned to: Hon. Roslyn O. Silver

## GENERAL OBJECTIONS

1. Hodges objects to each instruction, definition, and document request to the extent that it purports to impose any requirement or discovery obligation greater than or different from those under the Federal Rules of Civil Procedure and the applicable Rules and Orders of the Court.

2. Hodges objects to each document request that is overly broad, unduly burdensome, or not reasonably calculated to lead to the discovery of admissible evidence.

3. Hodges objects to each definition, instruction, and document requests, to the extent that it seeks documents protected from disclosure by the attorney-client privilege, attorney work product doctrine, or any other applicable privilege. Should any such disclosure by Hodges occur, it is inadvertent and shall not constitute a waiver of any privilege.

4. Hodges objects to each definition, instruction, and document request as overbroad and unduly burdensome to the extent it seeks documents that are readily or more accessible to Swift from Swift's own files. Responding to such requests would be oppressive, unduly burdensome and unnecessarily expensive, and the burden of responding to such requests is substantially the same or less for Swift as for Hodges.

5. Hodges incorporates by reference every general objection set forth above into each specific response set forth below. A specific response may repeat a general objection for emphasis or some other reason. The failure to include any general objection in any specific response does not waive any general objection to that request. Moreover, Hodges does not waive its right to amend her responses.

## REQUEST FOR PRODUCTION

**Request No. 1:** A copy of the HireRight database and any other documentation received from HireRight in Plaintiffs' or their agents' possession.

### Response:

**Objection.** Hodges objects to this request as it is overly broad as Swift has failed to define “the HireRight database” and unlimited as to time and scope. Notwithstanding this objection and without waiving same, Hodges is not in possession of any documents which could be defined as “the HireRight database”.

**Request No. 2:** Any lists, spreadsheets or any other compilation of potential or putative class members in Plaintiffs' possession.

### Response:

**Objection.** Hodges objects to this request as it seeks information protected by the attorney-client privilege and/or the work-product doctrine. Notwithstanding this objection and without waiving same, Hodges is not in possession of documents responsive to this request. Hodges reserves the right to supplement this request.

**Request No. 4:** Provide the information (whether electronic or hard copy) submitted by any class representative or putative class member in this Action or any other Swift employee or applicant (e.g., anyone who identified "Swift" in response to the question, "If so, by whom?") via the Submit Information form on the web site [TruckersHaveRights.com](http://TruckersHaveRights.com) from August 1, 2009 to the present.

### Response:

**Objection.** Hodges objects to this request as it seeks information from a third-party and the information sought is not reasonably calculated to lead to the discovery of admissible evidence.

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Matthew A. Dooley

Respectfully Submitted,

STUMPHAUZER, O'TOOLE, MCLAUGHLIN,  
McGLAMERY & LOUGHMAN CO., LPA

By:

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Matthew A. Dooley  
Anthony R. Pecora  
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dotoole@sheffieldlaw.com

*Counsel for Plaintiffs*

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I hereby certify that on September 14, 2012, the original and one copy of the foregoing was served via U.S. Mail, Postage Pre-Paid to the following counsel of record:

John F. Lomax, Jr., Esq.  
Brian J. Foster, Esq.  
Joseph A. Kroeger, Esq.  
SNELL & WILMER L.L.P.  
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400 E. Van Buren  
Phoenix, AZ 85004-2202  
*Counsel for Defendant*

Matthew A. Dooley  
*Counsel for Plaintiff*

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22 KELVIN D. DANIEL, et al  
23 Plaintiffs,  
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Case No. 2:11-cv-01548-PHX-ROS

PLAINTIFF KELVIN DANIEL'S  
ANSWERS TO DEFENDANT SWIFT  
TRANSPORTATION CO. OF  
ARIZONA, LLC'S SECOND SET OF  
INTERROGATORIES

Assigned to: Hon. Roslyn O. Silver

## GENERAL OBJECTIONS

1. Plaintiff, Kelvin Daniel ("Daniel") objects to Swift's "General Instructions" and "Definitions" to the extent they purport to impose discovery obligations that differ from or exceed the discovery obligations imposed by the Federal Rules of Civil Procedure.

2. Daniel objects to the Interrogatories to the extent that they seek information protected by the attorney-client privilege, the work-product privilege, or any other privilege, protection, or immunity applicable under Arizona and/or federal law.

3. Daniel objects to the Interrogatories to the extent that they are overly broad, unduly burdensome, oppressive, and/or seek information that is not relevant to the issues in this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

4. These General Objections are made, to the extent applicable, in response to each of the Interrogatories as if the objections were fully set forth therein.

5. Daniel responds to each of the Interrogatories based upon information and documentation available as of the date hereof and reserve the right to supplement and amend his responses.

\*\*\*\*\*

## INTERROGATORIES

**Interrogatory No. 1:** Explain whether you were a class member in the litigation against HireRight Solutions, Inc. in the United States District Court for the Eastern District of Virginia, Case No. 3:09-cv-625, and, if you were, when you received notice of the suit, what class you were in, and what remedy, if any, you received as a class member in the settlement of that lawsuit.

### Response:

**Objection.** Daniel objects to this Interrogatory as it seeks information irrelevant to the subject matter in this case and the information sought is not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding this objection and without waiving same, Daniel was not a class member in the litigation mentioned in Interrogatory No. 1.

**Interrogatory No. 2:** Explain whether you currently or have ever previously been a member of any other class action cases other than your current litigation against Swift and, if so, please identify the litigation and any remedy, if any, you received as a class member in that lawsuit.

### Response:

Objection. Daniel objects to this Interrogatory as it seeks information irrelevant to the subject matter in this case and the information sought is not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding this objection and without waiving same, Daniel has not been a member of any other class action.

**Interrogatory No. 3:** Explain how you first came into contact with your attorneys regarding this suit, including the date, who made initial contact, the means of contact (through a web site, mailing, telephone call, etc.), whether you were solicited to become a class representative, whether you have been promised anything in exchange for being a class representative (such as an incentive award) and any amount promised.

### Response:

Objection. Daniel objects to this Interrogatory as it seeks information irrelevant to the subject matter in this case and the information sought is not reasonably calculated to lead to

1 the discovery of admissible evidence. Further objecting, this interrogatory seeks  
2 information that is protected by the attorney-client privilege and/or work product doctrine.  
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4 AS TO ALL OBJECTIONS:  
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Matthew A. Dooley

Respectfully Submitted,

STUMPHAUZER, O'TOOLE, MCLAUGHLIN,  
McGLAMERY & LOUGHMAN CO., LPA

By:

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*Counsel for Plaintiffs*

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*Counsel for Defendant*

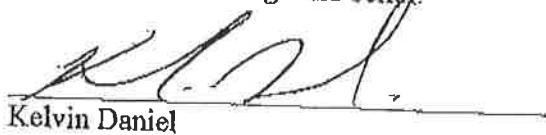
Matthew A. Dooley  
*Counsel for Plaintiffs*

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VERIFICATION

STATE OF Georgia )  
COUNTY OF Fulton ) SS:

Tanna Hodges, being duly sworn according to law, deposes and states that the answers to the foregoing 2<sup>nd</sup> Set of Interrogatories are true to the best of his knowledge and belief.



Kelvin Daniel

SWORN TO BEFORE ME, a Notary Public, and subscribed in my presence this  
14 day of September 2012.

